

Primary Authority Partnerships

Warwickshire County Council Trading Standards

Old Budbrooke Road, Warwick, CV35 7DP

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National Federation of Property Professionals

Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

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The Property Ombudsman

Milford House, 43 - 55 Milford Street, Salisbury, Wiltshire, SP1 2BP

Primary Authority Advice

This advice is applicable to all member businesses. If you are contacted by a local authority enforcement body, please ensure that you inform them that you are a member of the scheme.

Advice requested:

- 1) Does an agent have to notify a consumer of any pre-emption agreements that will be applied on the sale of the property?
- 2) Should an agent disclose whether a property has internet connectivity (broadband or dial up) to potential purchasers?

Legislation considered:

Consumer Protection from Unfair Trading Regulations 2008 (as amended) ("CPRs")

Landlord and Tenant Act 1987

Other Material considered:

National Trading Standards Estate Agency Team Guidance on Property Sales, September 2015 ("NTS Guidance")

Assured Advice Issued:

In preparing this assured advice, we have answered each question in turn:

- 1) There are various instances in which an option to buy, pre-emption agreement clause can exist on land. One example is the tenants' right of first refusal under the Landlord and Tenant Act 1987, but there are others. When a property is being marketed subject to a right of pre-emption or first refusal, we would consider that this would constitute material information for the purposes of the Consumer Protection from Unfair Trading Regulations 2008 (as amended).

Therefore, we would suggest that where an agent is aware of any such rights relating to a property he is marketing, this would constitute material information and be disclosed to any potential purchaser.

2) It is commonplace that the vast majority of residential properties on the market will have a level of internet connectivity, although speeds may vary widely. There will remain some remote communities where there is no internet connectivity at the property. This information will be material to potential purchasers.

In a similar way to other utilities servicing the property we would expect an agent to indicate if the property has internet connectivity and whether this is a 'broadband' or 'dial up' connection.

Date Advice is Effective from:

13 11 2017

Reference and renewal:

The reference for this advice is: WTS/NFOPP/TPOS/16

This advice will be reviewed annually; however it will remain valid until it is marked 'obsolete' on the Primary Authority Register. If any part of this document requires amendment following a review, a completely new version will be added to the database and the previous version shall be marked 'obsolete'.